

DECLARATION OF Z. ZAREEFA KHAN

I, Z. Zareefa Khan, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I make this declaration based on my own personal knowledge and if called on to testify I could and would do so competently and truthfully to these matters.
2. I am an attorney at Zareefa Khan, P.A. I have over two decades of practice experience in immigration law, and am based in Fort Lauderdale, Florida. I have successfully litigated deportation and removal cases before the Board of Immigration Appeals and the 11th Circuit Court of Appeals, and provide legal assistance to clients on matters including deportation and removal defense, immigration benefits before USCIS, and L & H visas.
3. I currently represent two clients who are detained at Alligator Alcatraz, including G.T.C. and R.T.F., who are cousins.
4. G.T.C. entered the United States as an unaccompanied minor, has no criminal history, and currently has a pending asylum application, based on his fear of persecution in Guatemala. R.T.F. is also a native of Guatemala, and has no criminal history.
5. G.T.C. and R.T.F. were taken into custody on or about June 28, 2025, after officers for the Florida Fish and Wildlife Game Department stopped them while fishing in the Everglades, to see if they had a fishing license. While the Fish and Wildlife Game officers questioned the two men, officers of U.S. Customs and Border Protection (“CBP”) happened to drive by. The CBP officers apprehended them, although G.T.C. showed the officers a copy of his pending I-589 form (Application for Asylum and Withholding of Removal), which shows that he is already in immigration proceedings, and should not be detained.
6. CBP officers, however, took them and detained them both at the CBP facility in Dania Beach, Florida, without charges, for five days, without issuing them a Notice to Appear in Removal Proceedings. All DHS agencies, including CBP, are required to issue a Notice to Appear in Removal Proceedings within 72 hours of detention.
7. On or about July 3, 2025, CBP transferred G.T.C. and R.T.F. to the facility known as “Alligator Alcatraz,” where they are currently detained.
8. On July 14, 2025, I filed a motion for custody redetermination (“bond motion”) on behalf of G.T.C. at the Krome Immigration Court, via Executive Office for Immigration Review’s (EOIR) online portal. On July 17, 2025, I received an email from

eROP@usdoj.gov, confirming that EOIR had accepted their motions. He was scheduled for a hearing before Immigration Judge Romy Lerner on July 24, 2025, at 1:00 p.m.

9. On July 24, 2025, I appeared virtually on behalf of G.T.C. at the Krome Immigration Court. When I logged into the hearing, IJ Lerner said, "what is going on?" and told me that no hearing for G.T.C. was included on the docket. I then had an off-the-record conversation with IJ Lerner and the government's counsel. The government counsel stated that my clients had been detained at Alligator Alcatraz since July 3, and that the immigration court had no jurisdiction over their cases. The government attorney also stated that ICE had not issued an NTA in either of their cases, and did not plan to file an NTA, because G.T.C. was in state, not federal custody. IJ Lerner then went back on the record, and stated that the immigration court did not have jurisdiction over their cases. G.T.C. was not brought to the hearing in person or virtually.
10. Later that day, I checked the EOIR online portal to check the status of G.T.C.'s case. The portal stated that their bond motions had been withdrawn on July 21, 2025, although I had not withdrawn either of their motions.
11. R.T.F. has not been issued an NTA, nor an A-number by ICE, so I have not been able to file a bond motion for him before EOIR. He has not been charged by the state of Florida.
12. I am very concerned for my clients G.T.C. and R.T.F. I do not understand what the basis of their custody is at Alligator Alcatraz, if ICE is stating that they are not in federal immigration custody, and if their cases cannot be adjudicated by the federal immigration court. I have not been able to communicate with my clients in a confidential manner at Alligator Alcatraz due to the attorney access restrictions at the facility.

Executed this 24th day of July, 2025, at Ft. Lauderdale, Florida.

Signed by:

Z. ZAREEFA KHAN